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Germano Leichsenring

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WENDEROTH, LIND & PONACK L.L.P.

2033 K. STREET, NW

SUITE 800

WASHINGTON, DC 20006

EXAMINER

CHANG, TOM Y

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,214	Applicant(s) LEICHSENRING ET AL.	
	Examiner TOM Y. CHANG	Art Unit 4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 12, 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/25/2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/25/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Foreign Priority

1. Acknowledgement has been made to the applicant's claim to foreign priority referencing document 2004-067004(JP) for the national stage portion of PCT application JP05/03967.

Preliminary Amendment

2. Acknowledgement is made to the preliminary amendment filed by the applicant in which claims 5,10, and 14 have been amended, claims 12, and 13 have been canceled, claim 19 has been added and the rest of the claims have remained as originally filed.

Claim Construction

3. Claim 1, 10, and 18 recites "a communication unit for", "access permission unit for" "storage unit for", "existence check unit for", "an access discard unit for", "an access rejection unit:", "a resource providing communication unit for", "a resource access permission unit for" "a resource providing storing unit for", and "a resource providing existence check unit for", each of which is then subsequently modified by a statement of intended use (i.e., "for communicating with the resource use device and the resource providing device," etc.) . Such intended use language does not properly

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limit the claim, because the intended use language does not require any steps to be performed. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. See MPEP § 2111.04, and MPEP 2106 part II(c). While the intended use language associated with the elements listed above has been fully considered, none of the intended use language has been given any patentable weight. Thus the examiner gives no patentable weight to in claim 1, 10, and 18 “for communicating with the resource use device and the resource providing device”, “for instructing the resource providing device via the communication unit to permit an access from the resource use device”, “for storing information on the resource use device which has been permitted to access by the access permission unit as management information”, “for checking a communication state with the resource use device”, “for instructing the resource providing device via the communication unit to reject an access from the resource use device”, and “for rejecting an access from the resource use device permitted to access by the access control device”. In claim 18 no patentable weight is given to “for communicating with the access control device and the resource use device”, “for storing information on the resource use device intended by the instruction given by the access control device via the resource providing communication unit as management information”, “for permitting an access from the resource use device”, and “for checking a communication state with the access control device via the resource providing communication unit”.

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4. Claims 3-5 and 14 recite the content of certain information but the recited data does not in any way change the structure or function of the recited device. Therefore, such data is non-functional descriptive material which, while having been fully considered, has not been given any patentable weight. See MPEP 2106.01.

5. Claim 10 use the term "wherein" which is intended use language. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. See MPEP § 2111.04, and MPEP 2106 part II(c). Therefore while it has been fully considered no patentable weight has been give to "wherein the information on the resource use device includes information for identifying the resource use device and information for identifying the access control device which has permitted the resource use device to access".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 8- 11, 14, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Arazi et al US 2001/0041594, hereafter Arazi.

8. Regarding claim 1, Arazi teaches an access control device (**Figure 3B Switch 129**) for controlling an access from a resource use device(**Figure 2 handset 133**)to a

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resource providing device(**Figure 2 Base Station 124**) for using a resource provided by the resource providing device(**Figure 2 Communication Link 134**). Arazi teaches that the access control device controls the communication of the handset and base station **“Communication links 130, 131, 132 connect the Base Stations 123, 124, 125, respectively, with a Central Switch (hereinafter "Switch") 129. These communication links enable the Switch 129 to control the operation of the Base Stations” (Paragraph 74]**. This clearly means that access control device contains a communication unit for communicating with the resource use device and the resource providing device. Arazi teaches an access permission unit for instructing the resource providing device via the communication unit to permit an access from the resource use device and a storage unit for storing information on the resource use device which has been permitted to access by the access permission unit as management information [**“If the arriving message is a request to initiate a new call (step 231, "Y"), the Switch checks if the call is intended to a handset connected to the WPBX (step 232). This is done by checking its "Connections Table". (Paragraph 103)]**. It is clear that in order to access this connections table the access control device must have some form of memory to store the information. Arazi teaches that the switch also serves as an existence check unit for checking a communication state with the resource use device the management information of which is stored in the storage unit, via the communication unit; [**“The Switch checks if it receives indication that the call is connected (step 255). If the call is connected, (step 255, "Y"), the status of the call is updated in the Calls Table (step 256). Otherwise (step 255, "N"), the call is**

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removed from the Calls Table (step 257).” (Paragraph 102)] and an access discard unit for instructing the resource providing device via the communication unit to reject an access from the resource use device, communication with which is determined to be disconnected by the existence check unit.

[“If the connection via the Gateway succeeds (step 236, "N"), it is whether the call is connected determined (step 237). If the call is connected, (step 237, "Y"), the Switch requests from the originating Base Station to transfer the call to the Switch (step 238), and waits for connection with originating Base Station (steps 239, 240). If connection succeeds, and the call is connected (step 242, "Y"), the call is added to the "Calls Table" (step 243), and the call is routed to the Gateway (step 244). If connection fails (step 240, "Y"; or step 242, "N"), the connection with the Gateway is disconnected (step 241). (Paragraph 104)]

9. Regarding claim 10, Arazi teaches a communication unit for communicating with the access control device and the resource use device **[“FIG. 5 illustrates a call setup procedure performed by an originating Base Station (e.g. 123) when a handset (e.g., 121) that is connected to it, tries to initiate a call.” (Paragraph)]** . It is clear that in order to perform this call setup procedure the resource providing device contains a communication unit. Arazi teaches that the base station uses a Base Station Connection Table **[“In a next step 152, the originating Base Station (e.g., 123) checks whether the destination handset (e.g., 133) is in its "Base Station Connection Table"” (Paragraph 83)]**. This clearly indicates that there must be some storage unit for storing information on the resource use device intended by an instruction given by the access control device via the communication unit as management information. Arazi teaches an access permission unit for permitting an

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access from the resource use device, the management information of which is stored in the storage unit

["If, there is not a timeout (step 166, "N"), and a reply from the destination Base Station is received, the originating Base Station checks if the call is connected (step 167), and then connects the originating handset (step 168), and updates the Switch about the success of the call (step 169)." (Paragraph 85)]

Arazi teaches an existence check unit for checking a communication state with the access control device via the communication unit

["If, there is not a timeout (step 166, "N"), and a reply from the destination Base Station is received, the originating Base Station checks if the call is connected (step 167), and then connects the originating handset (step 168), and updates the Switch about the success of the call (step 169)." (Paragraph 85)]

and an access rejection unit for rejecting an access from the resource use device permitted to access by the access control device, communication with which is determined to be disconnected by the existence check unit

["Then the originating Base Station performs a procedure similar to that described hereinabove of setting a timeout (step 155), waiting for the Switch to reply (step 156), connecting (step 158) or disconnecting (step 177) the call, and updating the Switch (steps 159 or 178)." (Paragraph 88)]

Arazi teaches that the information on the resource use device includes information for identifying the resource use device and information for identifying the access control device which has permitted the resource use device to access**["Send new connection information (handset ID, Base Station ID, handle to low-level protocol instance) to Switch" (Paragraph 304)]**.The switch tells the base station to reject access by not replying to the base state by the time the timeout period ends(**Figure 7 Step 236**).

Regarding claim 18, most of the limitations in claim 18 have already been discussed as they are covered by the discussion of claims 1 and 10, above. Furthermore Arazi teaches the limitation of claim 18 that recites an access from the resource use device intended by the instruction given by the access control device via the resource providing communication unit.

["If the source is another Base Station, the Switch send to the originating Base Station the address of the destination Base Station, and adds the call to the "Calls Table". If the call arrived from the Gateway the Switch tries to connect the call to the destination Base Station (step 245). If it succeeds the call is added to the "Calls Table" (step 252), the call is transferred to the destination (step 253). If it fails the connection with the Gateway is disconnected." (Paragraph 105)]

10. Regarding claims 2 and 11, Arazi teaches that the access discard unit deletes the information on the resource use device, communication with which is determined to be disconnected, from the storage unit. Arazi teaches that this is done for both the resource control device **["The Switch checks if it receives indication that the call is connected (step 255). If the call is connected, (step 255, "Y"), the status of the call is updated in the Calls Table (step 256). Otherwise (step 255, "N"), the call is removed from the Calls Table (step 257) (Paragraph 102)],** and the resource providing device **["Send new connection information (handset ID, Base Station ID, handle to low-level protocol instance) to Switch" (Paragraph 304)].**

11. Regarding claim 3 and 4 Arazi teaches wherein the information on the resource use device is information for identifying the resource use device and information for

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identifying the resource providing device for accepting an access from the resource use device..

[“The Switch (129) maintains the "Calls Table", which contains the status and information about all the active calls being handled by the WPBX. The "Calls Table" comprises the following information:”

(Paragraph 111)]

[“4) "Calling Number Identification (CNID)", the number of the calling party, if available.” (Paragraph 115)]

[“6) "Originating Base Station Identification" for calls from internal origin” (Paragraph 117)]

12. Regarding claims 5, 14 and 19, Arazi teaches the information on the resource use device includes information on a command issued by the resource use device when accessing the resource providing device(**Figure 5 Step 151**) **[“In summary, the call setup procedure performed by an originating Base Station (e.g., 123) is that, first, the originating Base Station determines whether a call request from an originating handset” (Paragraph 89)]**

13. Regarding claim 8, Arazi teaches an existence check response unit for responding to the resource providing device via the communication unit when receiving a communication state check request from the resource providing device via the communication unit **[“Switch checks if it receives indication that the call is connected (step 255). If the call is connected, (step 255, "Y"), the status of the call is updated in the Calls Table (step 256). Otherwise (step 255, "N"), the call is removed from the Calls Table (step 257).” (Paragraph 102)]**

14. Regarding claims 9, and 17 Arazi teaches an access control device according to claim 1, wherein: the communication unit communicates with the resource use device

via wireless communication [**“As used herein, "Mobile Units" are devices communicating wirelessly with (also referred to as "connected to") Base Stations.” (Paragraph 69)**]. The switch is connected to the base station also by wireless links [**“These communication links enable the Switch 129 to control the operation of the Base Stations and to participate in the higher levels of the communication protocols, as described in greater detail hereinbelow, and may be RF links or land lines” (Paragraph 74)**]. Wireless communication inherently has a limited range and thus Arazi clearly teaches the communication range by the wireless communication is limited to a predetermined range.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 6, 7, 15, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Arazi as applied to claims 1 and 10 above, and further in view of Xu et al 6,151,628, hereafter Xu..

17. Regarding claim 6, Arazi teaches all the limitation of claim 1 above. Arazi does not teach that the access permission unit notifies the resource providing device of the information on the resource use device to be permitted to access. Xu teaches that the

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access permission unit notifies the resource providing device of the information on the resource use device to be permitted to access, via the communication unit (**Figure 6 Access Reply 104**). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Arazi with Xu. The reason for this modification would be to provide information needed by the resource providing device so that a connection can be made between the resource use device and another device on the network.

18. Regarding claims 7 and 15, the teaching of Arazi have been discussed in reference to claims 1 and 10 above. Arazi does not teach that the access control device sends information to the resource providing device to indicate that the access should be denied. Xu teaches that the access discard unit notifies the resource providing device of the information on the resource use device, communication with which is determined to be disconnected, and when instructed by the access control device via the communication unit to reject an access from the resource use device, the access rejecting unit rejects an access from the resource use device intended by the instruction(**Figure 8 Access-Reject Message**) [**"When the authentication server 32A determines hat the remote user is not authorized, an Access-Reject message is sent from the authentication server 32 to the communications chassis 20"** (**Column 12 Lines 35-38**)]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Arazi's teachings with that of Xu. The reason for this modification would be to inform the resource providing device when it

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should deny connecting a call because the resource use device does not have the right credentials.

19. Regarding claim 16, Arazi teaches the access rejecting unit deletes the information on the resource use device intended by the instruction from the storage unit **[“Removeconnection from "Base Station Connections Table".” (Paragraph 308)]**.

Relevant Art Cited By The Examiner

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,332,163 - Method for providing communication services over a computer network system.

US 6,360,247 - Information processing system, communication method, and recording medium.

US 6,490,624 - Session management in a stateless network system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOM Y. CHANG whose telephone number is (571)270-5938. The examiner can normally be reached on Monday - Thursday from 9am to 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson, can be reached on 571-272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T. Y. C./
Examiner, Art Unit 4121
09/30/2008

/DAVID L. ROBERTSON/
Supervisory Patent Examiner
Art Unit 4121